

# **Rules of Procedure**

## **North Hampton Planning Board**

### **Section I: Authority**

These rules of procedure are adopted under authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.

### **Section II: Purpose**

1. This document establishes rules governing Planning Board functions and activities – including but not limited to organization, conduct of meetings, duties of officers and committees, and conflicts of interest.
2. Each member and alternate shall have his own personal copy of these Rules of Procedure, become familiar with their content, and endeavor to act within them.
3. A copy of this document shall be on file for public inspection in the Town Offices.

### **Section III: Members**

1. The North Hampton Planning Board shall consist of seven (7) members.
  - 1.1. Six members shall be elected, as provided under the authority of RSA 673:2, II(b)(1).
  - 1.2. One member shall be designated by the Board of Selectmen as an ex-officio member with power to vote as provided under RSA 673:2, II.,(b)(1).
2. Alternate members of the North Hampton Planning Board shall be appointed as follows:
  - 2.1. The regular members of the Planning Board shall appoint up to five (5) alternate members to serve staggered terms of three years each, as provided under RSA 673:6, II.
  - 2.2. The Board of Selectmen shall appoint one (1) alternate member who will sit for the ex officio member, as necessary, in accordance with RSA 673:6, III.
3. Terms of Planning Board members and alternate members shall conform to RSA 673:5 and 673:6 respectively.
4. The Planning Board shall appoint up to five (5) alternate members to serve staggered terms of three years each, as provided under RSA 673:6, II.
5. Each newly elected member or appointed alternate shall be sworn in and take an oath of office as required under RSA 42:1.
6. The appointment and expiration date of each appointed alternate member of the Board shall be forwarded to the Town Clerk by the Recording Secretary.

### **Section IV: Officers**

1. Officers:
  - 1.1. Officers of the Board shall be elected annually at the first meeting following the Town Meeting by a majority vote of the Board. If requested by one or more of those members present, voting shall be by written ballot.
  - 1.2. Officers of the Board shall be as follows:
    - 1.2.1. Chair
    - 1.2.2. Vice Chair
2. Duties:

**2.1. Chair:**

The Chair shall preside over all meetings and hearings of the Board; shall be the official spokesperson for the Board; shall prepare the annual report of the Board; and shall perform other duties customary to the office, including but not limited to appointing members to such temporary committees as s/he deems necessary or as directed by the Board or acting on behalf of the Board on matters authorized by the Board. The Chair may vote.

**2.2. Vice Chair:**

The Vice Chair shall preside in the absence of the Chair and shall have full powers of the Chair on matters that come before the Board in the absence of the Chair. S/he shall also have the full powers of the Chair in all instances when emergency action (as defined by RSA 91-A:2.II) by the Chair is required, and the Chair is inaccessible for 24 hours or more.

3. **Term of Office:** As provided by RSA 673:9, I., all officers shall serve for one year and shall be eligible for re-election.

**Section V: Committees****1. Committees:**

- 1.1. The North Hampton Planning Board shall have as standing committees an Application Review Committee, a Long-range Planning Committee, and a Rules and Procedures Committee. In addition, temporary committees may be designated from time to time by the Chair. Non-voting interested citizens may contribute to the planning process and are encouraged to do so
- 1.2. The purpose of standing committees is to organize and facilitate the work of the board and to encourage citizen participation in formulating policy.
- 1.3. The three standing committees shall report to the full Board, where final actions will be taken after appropriate public hearings are held. These rules are not intended to delegate in any way responsibilities for decisions that are assigned by law to the entire Board acting as a body.
- 1.4. Committees will consist of a minimum of three members, including no more than three regular members of the Board. Additional committee members may be Planning Board members, alternate members, or Citizens-at-Large. In no case shall the number of regular Planning Board members exceed three.
- 1.5. Committee members shall be elected for terms of one (1) year by vote of the regular members of the Planning Board.
- 1.6. The Chair of the Planning Board shall appoint a member of the Planning Board as Chair of each committee.
- 1.7. The Chair of each committee shall ensure that minutes of all meetings are taken by a member of the committee and that copies are provided for committee members, the Planning Board, and public inspection. The Recording Secretary of the Planning Board shall receive all minutes from the committees.

**2. Duties:****2.1. Application Review Committee:**

The Application Review Committee is responsible for preliminary review of all applications for completeness and compliance with applicable regulations. Applications include site plans, subdivision plans, changes of use and excavation

plans. The Committee Chair will advise applicants of results of the Committee's preliminary review for completeness. The Committee's report will be made available to members of the Planning Board prior to the day of the next regular Board meeting. In all cases the report of the Committee is advisory only. All actions on applications must be taken by the Planning Board to have full force and effect.

**2.2. Long-range Planning Committee:**

The Long-range Planning Committee is responsible for developing, monitoring and recommending updates and changes to the North Hampton Master Plan, the North Hampton Capital Improvements Plan (CIP), the Zoning Ordinance, and Planning Board regulations. The Committee will carry out its work in compliance with applicable laws, ordinances, and regulations and will engage the public and other agencies to ensure that the Committee's work reflects the will of residents of North Hampton. The Committee will report periodically to the full Board and develop materials to enable the Board to secure public input and to act on recommendations. Subject to Planning Board review and approval, the Committee will be responsible for final formatting and publication of updated plans and studies. The Committee will report quarterly on the status of implementation of the Master Plan and CIP.

**2.3. Rules and Regulations Committee:**

The Rules and Regulations Committee is responsible for periodically reviewing and recommending revisions and additions to the Rules of Procedure, the Site Plan Review Regulations, the Subdivision Regulations, and Excavation Regulations. The Committee will seek input from other Town Boards and Commissions and from Town Department Heads, as appropriate, to assist in developing and evaluating proposals for revisions of regulations or procedures. As necessary, proposals for changes will be submitted to the full Board. The Committee will be responsible for presenting materials for final formatting and publication to the Planning Board for review, modification and approval.

## **Section VI: Meetings**

**1. Regular Meetings:**

1.1. Regular meetings shall be held at least monthly in the North Hampton Town Hall at 7:00 p.m. on the first Tuesday of each month.

1.1.1. Additional meetings or changes to the regular schedule shall be allowed provided that proper notice is given in accordance with RSA 91-A:2.

1.1.2. It shall be the policy of the Board to allocate specific time limits on the agenda. Normally, no new public hearing or business shall commence after 9:30 p.m. but will be continued until the next scheduled Board meeting. The Board may, at its sole discretion, waive this provision by majority vote.

1.2. The Chair may cancel regular meetings if there are no site review or subdivision applications pending and if, in her/his opinion, no other urgent business is pending.

- 1.3. The Board may deviate from its regular meeting schedule in a particular month for cause, such as conflicts with holidays or other meetings of local interest or an anticipated unavoidable absence of a quorum.
2. Other Meetings:
  - 2.1. The Board may meet at other times than its regular meeting time at the call of the Chair or on request of at least three regular members, provided that requisite notice is given.
  - 2.2. Nonpublic sessions shall be held only in accordance with RSA 91-A:3.
3. Quorum:

A quorum shall be constituted if at least four (4) members or alternate members are in attendance.
4. Disqualification:
  - 4.1. If any member finds it appropriate to disqualify her/himself from sitting on a particular matter, as provided under RSA 673:14, s/he shall endeavor to notify the Chair at least 24 hours in advance so that the Chair can ensure that an alternate is available to sit for the disqualified member.
  - 4.2. Either the Chair or the regular member, before deliberation or the public hearing on the matter begins, shall announce the disqualification.
  - 4.3. A disqualified member shall leave the Board table until discussion or action on the matter is completed.
  - 4.4. If uncertainty arises as to whether a Board member should disqualify himself/herself or be disqualified, on the request of that member or the request of another member of the Board, the Board shall vote on the question, in accordance with RSA 673:14, II. Such request and such vote shall be made prior to or at the commencement of any required public hearing. Such votes are only advisory.
5. Designation of Alternates:
  - 5.1. If one or more regular members is absent from a meeting or disqualifies her/himself, the Chair shall designate alternate members, if present, to sit in their places, in accordance with RSA 673:11.
  - 5.2. In order to ensure that each alternate gets as much experience as possible, the Chair shall designate available alternates in an equitable fashion.
  - 5.3. Only an alternate chosen by the Board of Selectmen shall sit in place of the ex-officio member. Such alternate shall have all the powers and duties of a regular member.
  - 5.4. An alternate designated to sit on the Board for any reason shall be in all respects a full member of the Board while so sitting.
  - 5.5. To ensure that alternates are prepared to sit on the Board as the need arises, they will be encouraged to prepare for all meetings and to contribute to deliberations as a member of the public sitting in the audience.
6. Order of Business shall normally be as follows, but the Chair shall have discretion to reorder business:
  - 6.1. Call to order by the Chair
  - 6.2. Designation of sitting alternates
  - 6.3. Minutes of previous meeting(s)
  - 6.4. Committee reports
  - 6.5. Continued public hearings

- 6.6. New applications for public hearings
- 6.7. Reading of correspondence
- 6.8. Other business
- 6.9. Public comment
- 6.10. Adjournment
7. Rules of Order:  
The Board will endeavor to follow and the Chair will endeavor to enforce parliamentary procedure, except that the Chair may vote on motions. To the extent practicable the Board will follow generally accepted rules of parliamentary procedure, such as Robert's Rules of Order. In any event, failure strictly to follow standard rules of procedure shall not invalidate any action taken by the Board.
8. Minutes:  
All minutes of meetings will be completed within specified periods in accordance with RSA 91-A:2 and 3. Minutes will normally be reviewed, amended, and approved by the Board at the next meeting.
9. Notice of Decision:  
A Notice of Decision formalizing the Board's actions including any conditions of approval shall be prepared, signed by the Chair, and available for the public within 144 hours (6 days), in accordance with RSA 676:3 II. In cases of notices of denial reasons shall be stated, and the applicant's right to appeal shall be noted.

## **Section VII: Application Procedures and Notices**

1. All applications for hearings shall be noticed and held in accordance with Section VI of the Subdivision Regulations, Section VI of the Site Plan Review Regulations, and RSA 674:35-44 and 675:7.
2. Applications to be placed on an agenda for public hearing must be received at the Town Office at least 21 days – not including Sundays and legal holidays – prior to the public hearing, as provided in RSA 676:4, I., (b).
3. The Board will either accept jurisdiction over an application or deny it for specific reasons.

## **Section VIII: Public Hearing Procedures for Completed Applications**

The Board shall endeavor to conduct public hearings according to the following rules:

1. The Chair shall call the hearing to order and inform the public of the subject matter of the hearing.
2. If the issue has been raised, the Chair shall ask whether any member of the Board has reason to disqualify her/himself from sitting with the Board on the matter in question, as provided under RSA 673:14 .
3. The applicant or designee shall be asked to present her/his plan and explain it to all present.
4. As appropriate, the Board's Application Review Committee members, consulting engineers, and other consultants may be asked to report on the subject matter of the public hearing.
5. As appropriate, Town officials, such as representatives of Town departments and other Town boards, shall be allowed to present comments in person or in writing.

6. Board members may ask questions for clarification at any time during the hearing, providing they are properly recognized by the Chair.
7. After all questions from the Board have been answered, the Chair shall endeavor to conduct the public hearing in accordance with the following rules:
  - 7.1. Each person who speaks shall be required to state her/his name and address.
  - 7.2. For hearings on applications, each person who speaks shall state her/his interest in the application. In accordance with RSA 676:4, I(e) the Board may limit testimony at hearings on applications to applicants or their designees, abutters and residents of North Hampton.
  - 7.3. The Chair shall first ask for questions from the public about the subject matter of the hearing. All questions shall be addressed through the Chair.
  - 7.4. The Chair shall next ask for statements from those **opposed to** the application or proposal in whole or in part.
  - 7.5. The Chair shall next ask for statements from those **in favor of** the application or proposal being considered.
  - 7.6. The Chair in her/his discretion may then permit rebuttal testimony in the order set forth above, beginning with the applicant.
  - 7.7. The Chair may adjourn a public hearing when there is no further testimony from the public, when the public is out of order, or when testimony has become unduly repetitive.
8. When the Chair has determined that all appropriate questions, testimony, and comments have been heard, the Chair shall close the public hearing and request that the Board take action on the matter in question.
9. By majority vote of those members present, the Board may continue a hearing to another specific time, date, and place, provided that statutory time requirements are met or that the applicant agrees to waive any applicable time requirement.

### Section IX: Decisions

1. The Board shall render a decision within sixty-five (65) days of the date of acceptance of a completed application, subject to extension or waiver, as provided under RSA 676:4, I., (c)(1).
2. The Board shall act to approve, conditionally approve, or disapprove.
3. The Board shall send to the applicant or his designee a written notice of decision -- including reasons for denial, as appropriate -- that reflects action taken by the Board as recorded in the meeting minutes.
4. Notice of decision shall be made available for public inspection in the Town Offices within 144 hours (6 days) after the decision is made, as required under RSA 676:3.
5. Each notice of decision shall include information about the right to appeal decisions of the Board.

### Section X: Recordkeeping

1. Records of the Board -- including but not limited to minutes, application materials, plans and correspondence -- shall be available for public inspection at the Town Offices as required by RSAs 91-A:4 and 676:3, II. The Recording Secretary or her/his designee shall ensure timely availability of all records for public inspection.

2. The Recording Secretary shall maintain in the Town Office a file for each member and alternate of the Board and an identical file for the public. Each file shall contain all materials -- including but not limited to an agenda, draft minutes, applications, plans, miscellaneous correspondence; Application Review Committee comments and correspondence; and reports and correspondence from consultants to the Board -- pertaining to the next meeting of the Board.
3. Minutes of each public proceeding (without Planning Board adoption) shall be open to public inspection within 144 hours (6 days) of each such meeting as required under RSA 91-A:2, II.
4. The Recording Secretary shall make an audio recording of each meeting that shall not be taken as a substitute for official written minutes and retain it for at least 24 months.

### **Section XI: Filling Board Vacancies**

1. Elected Members:  
In accordance with RSA 673:12, I., remaining members of the Planning Board shall appoint by majority vote someone to fill a vacant elected position on the Board for a period until the next municipal election, at which time, someone shall be elected to fill the unexpired term or start a new term, as appropriate.
2. Ex Officio and Alternate Members:
  - 2.1. The Planning Board, which under RSA 673:6 II is the appointing authority for alternate members, shall appoint someone to fill a vacant alternate position on the Board for the unexpired term.
  - 2.2. In accordance with RSA 673:6, II., the original appointing authority or designating authority shall appoint someone to fill the unexpired term of a vacant ex officio position on the Board.

### **Section XII: Removing Members**

Action to remove a member shall follow RSA 673:13.

### **Section XIII: Joint Meetings**

1. As provided by RSA 676:2, the Planning Board may hold joint meetings or hearings with other local land use boards.
2. The Planning Board Chair shall chair all joint meetings or public hearings when the subject matter falls under the jurisdiction of the Planning Board.
3. The rules of procedure for joint meetings or hearings on matters under the jurisdiction of the Planning Board shall be the same as required in Section VI or VIII above, as appropriate.
4. Each local land use board shall be responsible for rendering a timely decision on the subject matter which is within its jurisdiction.

### **Section XIV: Amendments**

1. Amendments:  
Proposals for amendments to these rules may be made by motion at a meeting of the Board. Such motion, if seconded, shall be tabled until the next regular meeting, and all members shall be notified of the pending motion.

## Rules of Procedure

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### 2. Enactment:

- 2.1. Amendments may be enacted upon the affirmative vote of a majority of sitting members of the Board.
- 2.2. The rules of procedure and any amendments shall be filed with the Town Clerk and available for public inspection.

*Adopted by a majority vote of the North Hampton Planning Board after a public meeting held on 6 August 2002.*

\_\_\_\_[signature] Phillip E. Wilson\_\_\_\_\_

\_\_\_\_[signature] Judith Day\_\_\_\_\_

\_\_\_\_[signature] Joseph Arena, Jr.\_\_\_\_\_

\_\_\_\_[signature] Allen Hines \_\_\_\_\_

\_\_\_\_[signature] Robert S. Kroner\_\_\_\_\_

\_\_\_\_[signature] Elizabeth Church\_\_\_\_\_

\_\_\_\_[signature] Laura Simmons\_\_\_\_\_

September 16, 2002

**Date**